



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Office of the Executive Secretary

1099 14<sup>th</sup> Street NW, Suite 11600

Washington, DC 20570

Telephone: 202/273-2917

Fax: 202/273-4270

[www.nlrb.gov](http://www.nlrb.gov)

September 7, 2011

Re: NAACP Houston Branch  
Case 16-CA-27783

Melvin Houston, Esq.  
Melvin Houston & Associates, P.C.  
1776 Yorktown, Suite 600  
Houston, TX 77056

Dear Mr. Houston:

This acknowledges the August 30, 2011 receipt in this Office of Respondent NAACP Houston Branch's Exceptions to the Decision of Administrative Law Judge George Carson II, and Brief in Support of Respondent's Exceptions.

The exceptions in this case were due on August 29, 2011. *Section 102.46(a) of the Board's Rules and Regulations*. See also, the Amended Order Transferring Proceeding to the Board issued on August 1, 2011, and the August 1, 2011 letter from Deputy Executive Secretary Gary Shinnars to the parties advising that exceptions were due on August 29. In addition, Section 102.111(b) of the Board's Rules and Regulations provides that documents or filings must be received by the Board no later than on the last day of the time limit, and "documents which are postmarked on or after the due date are untimely." Section 102.111(b) states that "'Postmarking' shall include timely depositing the document with a delivery service that will provide a record showing that the document was tendered to the delivery service in sufficient time for delivery by the due date, but in no event later than the day before the due date."

Thus, exceptions to the Administrative Law Judge's Decision in this case were required to be postmarked or given to a delivery service no later than August 28, 2011. (Although August 28 was a Sunday, it was incumbent on the Respondent to ensure that the mailing postmark or tendering to a delivery service was achieved earlier than the August 29 due date.) The FedEx Airbill attached to the Respondent's Exceptions and Brief, however, shows that these documents were tendered to the delivery service on August 29. Further, as noted above, these documents were not received by the Board until August 30, one day after the due date. Accordingly, the Respondent's Exceptions and Brief are untimely and cannot be forwarded to the Board for consideration.

Very truly yours,

A handwritten signature in black ink that reads "Henry S. Breiteneicher".

Henry S. Breiteneicher  
Associate Executive Secretary

cc: Parties